

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW ANDERSON, and SHAWN
DOLIFKA, individually and on behalf of all
other persons similarly situated,

Plaintiff,

v.

TETHER HOLDINGS LIMITED, TETHER
LIMITED, TETHER INTERNATIONAL
LIMITED, TETHER OPERATIONS LIMITED,
IFINEX INC., BFXNA INC., and BFXWW
INC.,

Defendants.

Case No. 1:21-cv-10613-LTS-SN

**NOTICE OF MOTION
AND MOTION FOR LEAVE TO
FILE PLAINTIFF'S [PROPOSED]
FIRST AMENDED
CLASS ACTION COMPLAINT**

JURY TRIAL DEMANDED

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Plaintiff Shawn Dolifka (“Plaintiff”) hereby respectfully moves this Court Pursuant to Federal Rule of Civil Procedure 15(a)(2) and the Court’s August 4, 2023 Memorandum Order (ECF No. 37) (“MTD Ruling”) granting Defendants’ Motion to Dismiss Plaintiffs’ Class Action Complaint, to grant Plaintiff’s Motion For Leave To File The [Proposed] First Amended Class Action Complaint (“Amended Complaint”).

Plaintiff Dolifka also hereby notices pursuant to Fed. R. Civ. P. 42(a)(i)(A)(i) the voluntary withdrawal of Matthew Anderson’s claims as alleged against all Defendants without prejudice to Mr. Anderson’s rights, if any, as an absent class member, and without costs or fees to any party.

Plaintiffs have not sought any unfair advantage; Defendants have not been unduly prejudiced; and amendment is not futile, as the Amended Complaint addresses the deficiencies the Court identified in its order dismissing the Class Action Complaint.

This motion is based on the accompanying Memorandum of Law in support thereof, the Declaration of Noelle Forde filed herewith and all exhibits attached thereto, the pleadings and other filings herein, and such other written and oral arguments as may be permitted by the Court.

DATED: August 25, 2023

/s/ Christian Levis
Christian Levis
Noelle Forde
Amanda Fiorilla
44 South Broadway, Suite 1100
White Plains, NY 10601
Tel.: (914) 997-0500
Fax: (914) 997-0035
clevis@lowey.com
nforde@lowey.com
afiorilla@lowey.com

CERTIFICATE OF SERVICE

I hereby certify that I am the ECF User whose ID and password are being used to electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses registered, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy on the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Christian Levis
Christian Levis